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February 1, 2012

Via E-mail Transmission

Executive Secretary  
National Labor Relations Board  
1099 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20570-0001

Re: Community Options, N.Y., Inc.  
Case No. 29 RD 066106

To Whom It May Concern:

This office is counsel to D.C. 1707, AFSCME (Union) with regard to the above-referenced decertification proceeding.

I submit the following letter in support of the Union's exceptions to the Report on Objections and Notice of Hearing (RONH) issued by NLRB Region 29 on January 19, 2012.


The basis of the Union's exceptions to the RONH is that Community Option's N.Y., Inc. (COI) has failed to set forth a *prime facie* case demonstrating that the Union offered an improper benefit or item of value to bargaining unit members prior to the decertification election. The documents presented merely revealed that bargaining unit members would have dues and initiation fees waived for six months after the effective date of the collective bargaining agreement ratified, a period of time well after the decertification vote. Being that this dues waiver was available to bargaining unit members both prior to and subsequent to the decertification election, this conduct is clearly proper. *NLRB v. Savir Manufacturing Co.*, 414 U.S. 270 (1973); *L.D. McFarland Company*, 219 NLRB 575 (1975).

Further, management has not submitted any evidence that the Union had issued rebates to bargaining unit members prior to the election, or extinguished bargaining members legally binding obligation to pay presently or previously owed dues prior to the election.

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This being the case, Objection Nos. 2 and 3 should have been overruled.

Respectfully submitted,

A handwritten signature in dark ink, reading "Harvey S. Mars". The signature is written in a cursive style, with the first name "Harvey" being more prominent and the last name "Mars" following it.

Harvey S. Mars

HSM:ss

cc: Michael Green, Director of Organizing,  
D.C. 1707, AFSCME